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Filing date: **05/27/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91225838
Party	Defendant R.C. Bigelow, Inc.
Correspondence Address	PETER D MURRAY COOPER & DUNHAM LLP 30 ROCKEFELLER PLAZA, 20TH FLOOR NEW YORK, NY 10112-0077 UNITED STATES tsayour@cooperdunham.com
Submission	Other Motions/Papers
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Signature	/Peter D. Murray/
Date	05/27/2016
Attachments	Steep Notice.pdf(31338 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Steep)	
)	Opposition No. 91225838
Opposer,)	
)	Serial No. 86595088
v.)	
)	
R.C. Bigelow, Inc.)	
)	
Applicant.)	

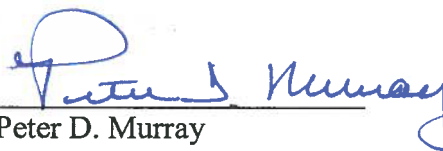
APPLICANT’S NOTICE OF OPPOSER’S FAILURE TO RESPOND

R. C. Bigelow, Inc. (“Applicant” or “Bigelow”) respectfully submits the following response to the Trademark Trial and Appeal Board’s decision regarding Applicant’s motion to dismiss the Notice of Opposition, pursuant to Fed.R.Civ.P. 12(b)(6) and T.B.M.P. § 503.02, for failure to state a claim for relief, and T.B.M.P. § 306.01, for Opposer’s failure to timely file an opposition (“Motion to Dismiss”). (Dkt. Nos. 4, 8.)

On April 13, 2016, the Trademark Trial and Appeal Board (“Board”) deferred its decision on Applicant’s Motion to Dismiss to permit Opposer time to file with the Board an explanation and evidence regarding privity or misidentification through mistake, the issues raised in Applicant’s Motion to Dismiss. (Dkt. No. 8.) Opposer was allowed until May 9, 2016 to make such a filing with Applicant permitted until May 29, 2016 to reply to Opposer’s submission. (*Id.*) As of the date of this filing, May 27, 2016, Applicant has not received any explanation or evidence from Opposer. As such, Applicant respectfully requests the Board grant its Motion to Dismiss the opposition proceeding and permit its pending application to proceed toward registration.

Date: May 27, 2016

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Peter D. Murray", is written over a horizontal line.

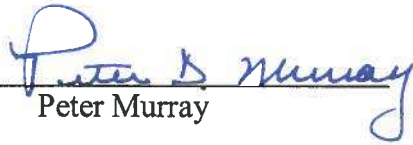
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Attorneys for Applicant,
R.C. Bigelow, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 2016, a true and correct copy of the foregoing Notice was electronically filed with the Trademark Trial and Appeal Board as well as served via First Class mail to:

Steep
119 N. Fairfax Avenue, Suite 428
Los Angeles, CA 90036
Attn: Jeff Steep



Peter Murray